

09/949,575

- 10 -

DRAFT**REMARKS****Claim Amendments**

Step A) in Claims 26, 48 and 51 have been amended to insert the phrase "in polyphosphoric acid to form a solution or dispersion" after the phrase "comprising at least one sulfonic acid group" to make explicitly clear that the reaction in Step A must take place in polyphosphoric acid.

No new matter has been added.

Rejection of Claims under 35 U.S.C. § 112, First Paragraph

Claims 26-52 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Examiner stated that the specification fails to support Step B) of Claims 26, 48 and 51 being "optional." Applicants respectfully disagree.

The optional nature of Step B) in Claims 26, 48 and 51 is supported within the Claims themselves. Step C) of Claims 26, 48, 51, which is verbatim of the original version of the application, permits "applying a layer using the mixture from step A) or B) to a support, thus forming a membrane on the support." Thus, the membranes described in Claims 26, 48 and 51 as being produced by a process comprising Steps A) through D) therefore does not require Step B). As such, Step B) is optional. Reconsideration and withdrawal of the rejection are requested.

Rejection of Claims Under 35 U.S.C. § 102

Claims 26-29, 31, 35-37, 41-44 and 46-52 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent Publication 2004/0062969 (Sakaguchi, et al.). Applicants respectfully disagree.

The Examiner premises the rejection on the following reasoning:

The language of step A can be taken to be either (1) mixing one or more aromatic or heteroaromatic tetraamino compounds with one or more aromatic or heteroaromatic carboxylic acids or derivatives thereof which contain at least two acid groups per carboxylic acid monomer, with at least part of the tetraamino compounds or the carboxylic acids comprising at least one sulfonic acid group or (2) mixing of one or more aromatic heteroaromatic diaminocarboxylic acids, of which at least part comprises sulfonic acid groups, in polyphosphoric acid to form a solution or dispersion.

09/949,575

DRAFT

- 11 -

(Office Action, page 9, section 5) (emphasis in original). The Examiner concluded, "[w]ith the alternative language used within the claim, polyphosphoric acid is not required in part (1) of step A, and thus step D is not required either." (*Id.*).

Applicants respectfully disagree with this interpretation and submit that the claim language clearly indicates that both mixtures in Step A) contain polyphosphoric acid.

However, in response to the Examiner's interpretation of Claims 26, 48 and 51, Applicants have amended the claims to include the phrase "in polyphosphonic acid to form a solution or dispersion" to the first of the sections that the Examiner labels as (1) and (2). Thus, the application now explicitly requires polyphosphoric acid as a solvent in Step A). The Examiner's interpretation of Claims 26, 48 and 51 is thereby excluded, and Applicants' invention is novel.

Rejection of Claims Under 35 U.S.C. § 103

Claims 30, 33, 34, 38, 39 and 45 were rejected over Sakaguchi in view of Matsuoka, Gerber, or Kerres. Applicants respectfully disagree.

Sakaguchi is discussed in detail above. Sakaguchi does not teach or suggest the membranes with partially hydrolyzed polyphosphoric acid moieties of the present invention. It is clear from a comparison of the membrane formation process, as well as the superior mechanical and conductive properties of the resultant membranes, that the present invention is non-obvious in view of Sakaguchi. Matsuoka, Gerber and Kerres each teach polymers made up of monomer units that may be used in the present invention, but do not teach or suggest membranes with partially hydrolyzed polyphosphoric acid moieties. Therefore, none of the deficiencies of Sakaguchi are overcome by the combination of references. Reconsideration and withdrawal of these rejections is respectfully requested.

Provisional Rejection of Claims for Non-statutory Double Patenting

Claims 26-52 have been provisionally rejected based on non-statutory double patenting over claims 29-58 of co-pending Application 10/530,002 in view of the Sakaguchi reference. Applicants respectfully postpone responding to this provisional rejection until such time that it is indicated that some subject matter is allowable.

09/949,575

- 12 -

DRAFT

SUMMARY AND CONCLUSIONS

The pending claims have been amended as necessary to more particularly point out and distinctly claim the invention. No new matter has been added. In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue.

If the Examiner feels that a telephone conference would expedite prosecution of this application, he is invited to call the undersigned.

Respectfully submitted,

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